

From: maria torres [mailto:mujercoahuilteca@gmail.com]
Sent: Thursday, September 03, 2015 4:27 PM
To: Darwin.Messer@usace.army.mil; Skipper.Scott@usace.army.mil; Blanco, Arturo <Blanco.Arturo@epa.gov>; Gee, Randy <Gee.Randy@epa.gov>; Jimmy Arterberry <jimmya@comanchenation.com>; ithompson@choctawnation.com; holly@mathpo.org; Jfowler@achp.gov; valerie Hauser <vhauser@achp.gov>; Mark Wolfe <Mark.wolfe@thc.state.tx.us>; maria torres <mujercoahuilteca@gmail.com>
Subject: Re: USACE Draft Preliminary

U.S. Army Corps of Engineers
Attn.: Mr. Darwin Messer, REIS Project Manager
Mr. Skipper Scott, REIS Archeological Division

Mr.. Messer and Mr. Scott

Greetings. Please disregard first Request's Letter version, this one is the most update version.
Enclosed document. Thank you for your assistance to our Tribe in this matter. Thank you. Kawa.

The Pacuache Tribe of Texas
The Coguiteca Indian Tribe First Nation
San Juan Bautista-San Bernadro-San Francisco De Solano Missions Indigenous People
Mary Torres
Tribal Chairwoman
(210) 483-3879

On Thu, Sep 3, 2015 at 4:12 PM, maria torres <mujercoahuilteca@gmail.com> wrote:
U.S. Army Corps of Engineers
Attn.: Mr. Darwin Messer, REIS Project Manager
Mr. Skipper Scott, REIS Archeological Division

Dear Mr. Messer and Mr. Scott,

Greetings. Enclosed please find our Tribe's Letter Request for the USACE Draft Preliminary.
Please confirm/reply. Enclosure document. Thank you. Kawa.

The Pacuache Tribe of Texas
The Coguiteca Indian Tribe First Nation
San Juan Baustista-San Bernardo-San Francisco De Solano Missions Indigenous People
Mary Torres
Tribal Chairwoman
(210) 483-3879

THE PACUACHE TRIBE OF TEXAS

Missions Indigenous Lineal Descendants San Juan Baustista-San Bernardo De La Candela our Sacred Anacacho Dacate Sacatsol Mountains, Chotilapacquen Ona River, Elm Creek, Pilapaxam-Pulapacxam River, Nueces River, Rio Grande River, Yanaguana River San Antonio Missions, Indigenous Missions Lineal Descendants to South Texas and Northeastern Mexico, Tribal Nation Inherent Sovereign Self Government. Foundation 1675

August 31, 2015

U.S. Army Corps of Engineers, Forth Worth District
Attn: Mr. Darwin Messer, EIS Project Manager
Forth Worth District
819 Taylor Street, Room 3A37
P.O. Box 17300
Forth Worth, Texas 76102-0300
(817) 886-1744
Darvin.Messer@usace.army.mil

U.S. Army Corps of Engineers, Forth Worth District
Mr. Skipper Scott
REIS Archeological Regulations-Archeological Division
819 Taylor Street
Forth Worth, Texas 76102-0300
(817) 886-1742
Skipper. Scott@usace.army.mil

Re: The Pacuache Tribe of Texas letter Requests to you the USACE Forth Worth District the following:
Our Tribe Request to you the USACE the following corrections and inclusions to the USACE Draft Preliminary Programmatic Agreement, The Pacuache Tribe of Texas Requests to you the USACE to be a signatory for the USACE Programmatic Agreement.

Dear Mr. Darwin Messer,
and Mr. Skipper Scott,

Greetings to you. Our Tribe requests to be a signatory for the USACE Programmatic Agreement for the proposed expansion of Coal Mines.

Our Tribe is requesting to USACE the following corrections and inclusions to the Draft Preliminary for the USACE Programmatic Agreement to the following:

DRAFT PRELIMINARY

PROGRAMMATIC AGREEMENT AMONG
THE UNITED STATES ARMY CORPS OF ENGINEERS,
THE
TRIBES HISTORIC PRESERVATION OFFICERS, TEXAS STATE
HISTORIC PRESERVATION OFFICER, [AND THE ADVISORY
COUNCIL ON HISTORIC PRESERVATION]
FOR THE PROPOSED EXPANSION OF COAL MINES

WHEREAS, The Choctaw Nation of Oklahoma has requested to be a consulting party in the development of this Programmatic Agreement, and the federally unrecognized the Pacuache Tribe of Texas have requested consulting party status; and

On Stipulations

The USACE will ensure the following stipulations are carried out concerning all historic properties affected by expansion of Mines under the REIS terms:

I. Synthesis of Previous Investigations:

A. Each mine shall develop a report summarizing and..... The Report shall contain

1. Full references to all previous historic property investigations including Consultation Sacred lands with Tribes and the opinions on whether they are in concurrence or objection to the NHRP determination.

III. Phased Archeological Work and Architectural Review:

A. Phase I

1. for expansion areas defined.....

a. All sites recorded will assessed, if possible, for eligibility to the NRHP. Sites that cannot be determined ineligible for the NRHP will be assessed by more detailed work in Phase II. Tribes have the right to concur or object to both findings eligible and not eligible.

b. A draft report....

c. After the final report shall be distributed to all signatory parties within 60 days of receipt by the USACE, and Consulting Parties.

B. Phase II

1. Within one year of completing Phase I, the Mine will begin Phase II....

a. Criteria for eligibility....

b. A draft report shall follow...

c. The final report shall be distributed to all signatory and Consulting Parties to this agreement within 60 calendar days of receiving final comments from the SHOP and USACE.

C. Phase III

Prior to implementation of the RD, a draft RD for each Mine expansion shall be submitted for a 30 day review to the SHPO, Tribes and USACE. The RD may be revised based on the comments received. Additional review time may be requested by any reviewing party. The USACE shall be responsible for final comments and acceptance before implementation of the final RD. A copy of the final RD shall be made available to all signatures and concurring parties. In the event that there's a disagreement in the implementation of the final RD Tribes shall have the right to concur or object and pursue additional Consultation if necessary to include mitigation remedies if required.

A. General

1. Each mine is responsible of beginning phased archaeological investigations for each.....
2. The sequential phases of investigations are,
3. Standing architecture shall.....

4. Each mine shall develop a curation agreement with the SHPO that includes protocols for artifacts recovered at prehistoric and historic sites. This includes work on sites undertaken on property owned by the mine, as well as property leased from private landowners. The curation agreement will be reviewed and approved by the SHPO prior to any fieldwork. All resulting artifact collections, images, field notes, records, digital data, and geospatial data generated by the archaeological investigations pursuant to this PA should be curated in a state repository in accordance with 36 C.F.R. Part 79. All human remains and associated funerary objects will be treated under a separate protocol (Stipulations II (b) (d).

5. A plan for Tribal consultation, treatment and coordination of human remains.....the plan shall include:

- a. Notification protocols from Tribes, SHPO, and USACE
- b. A plan to notify Tribes that are.....
- c. Establishment of formal consultation with interested Tribes within 30 days of discovery.**

Tribes shall inform the final decision on disposition.

- d. After SHPO and USACE...

1. Within six months of

- a. All NRHP eligible sites shall.....
- b. A draft report shall follow.....

c. The final report shall be distributed to all signatory and consulting parties to this agreement within 60 days calendar days of receiving final comments from the SHPO and USACE.

D. Determination of NRHP Eligibility

1. If any archaeological resources are.....

2. The USACE will make final determination of NRHP eligibility in consultation with the SHPO and Tribes within 60 calendar days of completing Phase II. Properties with Tribal components must be consulted on with Tribes to concur or object to NRHP determination.

Our Tribe highly appreciates your assistance to our Tribe's requests in this letter and our Tribe is ready put to participate for the USACE Programmatic Agreement. Our Tribe is forward await and looking to hear from you.

Respectfully,

The Pacuache Tribe of Texas
The Coguiteca Indian Tribe First Nation
San Juan Bautista-San Bernardo-San Francisco De Solano Missions Indigenous People
Mary Torres
Tribal Chairwoman
935 West Silver Sands Dr. #2705
San Antonio, Texas 78216
(210) 483-3879

cc:

U. S. Environmental Protection Agency
Region 6 Forth Worth Region
Mr. Arturo Blanco, Executive Director
U.S. EPA Indian Tribes Affairs Environmental Justice
Mr. Randy Gee, Coordinator

Comanche Indian Tribe Nation
Tribal Historic National Preservation Officer
Mr. Jimmy Arterberry

Choctaw Indian Tribe Historic Preservation Officer
Dr. Ian Thompson

Mescalero Apache Indian Tribe Nation
Tribal Historic Preservation Officer
Ms. Holly Horton

The National Advisory Council on Historic Preservation
Mr. John Foweler, Executive Director
Ms. Valerie Hauser, Director Native American Affairs

Texas State Historic Preservation Officer
Mr. Mark Wolfe

